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June 11, 2008

MEMO ENDORSED

Hon. Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street, Room 1040
New York, NY 10007

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Re: M.M. et al v. NYCDOE, 07 CV 8640 (DLC) (This letter applies to all pending cases)

Dear Judge Cote:

I am writing to request that the briefing schedule submission endorsed by the Court on June 24, 2008 be adjusted by an increment of two weeks. Pursuant to the current schedule there is to be a telephonic conference with Magistrate Judge Maas on September 3, 2008 with respect to the progress on settlement. If there is no settlement defendant is to submit its motion with respect to common issues on September 8, 2008.

There are almost 30 pending cases and the parties have been working to settle them as well as to administratively settle cases not currently pending before this Court. Although it is probable that most, if not all, of the cases will be settled, it is not likely that our process will be completed by next week. Counsel for both sides agree it would be fruitful to continue the process and plaintiff's counsel agrees with this request.

Accordingly, I respectfully request that the telephonic conference with Judge Maas be adjourned until the week of September 15, 2008, and that defendant's time to file its motion on common issues be adjusted to September 22, 2008 with the remainder of the briefing schedule adjusted accordingly.

Motion is due Sept. 22. There shall be no further adjournment. Opposition is due October 10; reply is due October 17.
Jesse I. Levine
Sept. 3, 2008

Respectfully,

Jesse I. Levine (8829)

Cc: Gary Mayerson, Esq.